video coding device through two base stations to a video decoding device. However, prior to being decoded and displayed, the system checks for errors in the transmission. The first check is after the data block is transmitted to the first base station 152, and the second check after the data is transmitted from the second base station 153 to the video decoding device 151. See column 73, line 60-61 and column 74, lines 4-12. If an error is detected at either checkpoint, the data block is retransmitted. See column 73, lines 60-67; column 74, lines 4-8.

The video decoding device 151 has a bit counting portion 151b that counts the number of bits of data received without error over a predetermined constant period of time. See column 74, lines 15-20. That value is transmitted to the video coding device 150 through a reverse transmission route. *Id.*

Because Masaki's system uses a plurality of retransmission control sections, the only way the video coding device 150 can know the communication throughput between the coding device and the decoding device 151 is to transmit the information back through the base stations to the video coding device. See column 74, lines 28-52. With this information, i.e., the communication throughput between the video coding device and the video decoding device, the video coding device 150 can achieve correct quantization control and frame dropping control on the basis of the known communication throughput. *Id.*

In contrast, the claims call for providing an on-going count of bits transmitted and time elapsed from a point in time when a first marker is transmitted. Thus, there are two on-going counts, one of bits transmitted and the other the time elapsed from a point when a first marker is transmitted. As explained above, Masaki merely teaches taking an average; the number of bits counted over a predetermined constant period of time. There is no indication that Masaki teaches counting bits starting from a marker that is inserted in the coded data. Further, Masaki clearly does not teach a count that is on-going over a period of time that is not predetermined. Rather, Masaki receives a data block and begins and ends counting during a predetermined constant time period. Accordingly, the modification of Goodman to use Masaki's bit counter would not teach providing an on-going count of bits transmitted and time elapsed from a point in time when a first marker is transmitted.

Even if Masaki could be wrongly construed to teach the claimed limitation, there is no rationale to modify Goodman in view of Masaki. For example, Goodman broadcasts a coded message to a remote location having a decoder. See, Figure 1C; column 10, lines 26-33. Once the coded information is received at the remote site, the code is striped and transferred to a billing computer system 160. *Id.* Thus, all information collected by Goodman is sent to a billing center and not returned back to an encoder. Thus, Masaki's teaching of sending a value through a feedback loop to an encoder is neither contemplated nor suggested by Goodman. Accordingly, for at least this additional reason, the claims are not obvious over Goodman in view of Masaki.

Independent claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takasu in view of Masaki. Independent claim 12 calls for a counter that tracks a transmission from the point where a first marker was inserted. Neither Takasu nor Masaki teach this limitation.

The Examiner concedes that Takasu does not teach the aforementioned limitation. However, it is respectfully submitted that Masaki does not teach this limitation as well. For example, as explained above, Masaki's counter counts the number of bits received without error in a coded data packet over a predetermined constant period of time. There is no indication that Masaki tracks a transmission from a given point where a marker is inserted. Rather, it is respectfully submitted that Masaki's counter begins and ends counting the number of bits in a received data packet over a constant predetermined period of time. Thus, Masaki does not begin counting bits in conjunction with any particular marker to initiate the tracking of the transmission. For at least this reason, independent claim 12 and the claims depending therefrom are not obvious.

Further, there is no reason to modify Takasu as suggested. For example, all of Takasu's coding and decoding takes place prior to the transmission of the video signal. See column 6, lines 23-43. Takasu considers the decoding and further collation of identification data prior to transmission of a video signal as a reliable means to determine that a program has been transmitted. *Id.*; see also, column 6, lines 43-61. Thus, there is no reason to add a post-

transmission quantization control or frame dropping control to Takasu seeing as a post transmission detection was never contemplated by Takasu.

For the reasons stated above, it is respectfully submitted that none of the independent claims and the claims depending therefrom are obvious over the cited references. Accordingly, the application is in condition for allowance.

Respectfully submitted,

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